

3

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

FILED
MAR 02 2007
U.S. DISTRICT COURT
BAY CITY, MICHIGAN

IN THE MATTER OF THE APPLICATION
OF THE UNITED STATES OF AMERICA
FOR AN ORDER AUTHORIZING THE
INSTALLATION AND USE OF A POLE
CAMERA

Misc No. 07-X- 50188
Magistrate Judge Charles E. Binder

ORDER

This matter is before the court pursuant to an application by Michael Hluchaniuk, Assistant United States Attorney, an attorney for the Government, which application requests an ex parte order under the authority Title 28, United States Code § 1651 (All Writs Act) and Federal Rule of Criminal Procedure 57(b) authorizing the installation and use of a pole camera to be installed on a utility pole belonging to Consumers Energy located near 11101 E. Pickard Road, Lot 9, Mt. Pleasant, Michigan. The court finds that the applicant has certified that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation into possible violations of Title 8, United States Code, Sections 1324 and 1325. The applicant's request is also supported by *United States v. New York Telephone Co.*, 434 U.S. 159, 98 S. Ct. 364, 54 L. Ed. 2d 376 (1977); *United States v. Turner*, Nos. CRIM. A. 95-296-03, CIV. A. 98-CV-5097, 1999 WL 88937 (E.D. Pa. Feb. 22, 1999) (unpublished); *United*

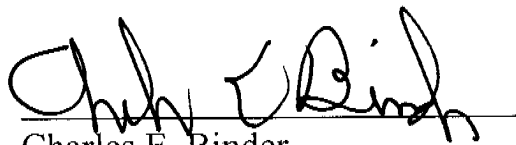
States v. Bullock, Nos. CRIM. A. 95-296-01, CIV. A. 98-CV-5072, 1998 WL 826983, at *1 n.1 (E.D. Pa. Nov. 25, 1998) (unpublished).

IT IS ORDERED:

1. That agents of the United States Immigration and Customs Enforcement (hereinafter referred to as ICE) are authorized to install and use a pole camera which is to be mounted on a utility pole belonging to Consumers Energy Company located near 11101 E. Pickard Road, Lot 9, Mt. Pleasant, Michigan and that the camera shall view only those areas accessible to the general public.
2. That Consumers Energy Company shall forthwith assist in installing and making operational the pole camera on the relevant utility pole.
3. That Consumers Energy Company shall provide the investigative agencies all additional information, facilities, and technical assistance necessary to accomplish the installation and use of the pole camera.
4. That normal operations of Consumers Energy Company shall not be disrupted;
5. That this order and application are sealed, and that Consumers Energy Company, its officers, its agents, and its employees shall not disclose to any other person, the existence of this application or order, or the existence of this

investigation, unless or until otherwise ordered by the court; and

6. That, unless this order is extended, it shall terminate ninety (90) days from the date of this order.

A handwritten signature in black ink, appearing to read "Charles E. Binder", written over a horizontal line.

Charles E. Binder

United States Magistrate Judge

Dated: March 2, 2007